

Collective administration of rights - the position of collective administrators in granting licenses, entering into copyright contracts on compensation and in cases of infringing use

Abstract

This thesis is focused on the subject of collective management of copyright and related rights, primarily from the point of view of the collective management organisations, in particular their legal relationships to users of legally protected rights. The goal of this master thesis is to evaluate the current state of Czech legislation regarding the institution of collective management of rights and its recent amendment.

The thesis is divided into five chapters. The first of them deals with some essential concepts of copyright including the usage of legally protected rights. The second chapter defines concepts of collective management of rights and collective management organisations and covers the reasons for its foundation and historical development in the world and in the Czech Republic. Special attention is given to the monopolized position of the collective management organizations which is often criticized by the public. The next two chapters introduce individual collective management organisations together with a new institute of independent management organisations, introduced in Czech legislation by Amendment Act No. 102/2017 Coll. In the fifth chapter individual regimes of collective management of rights are described. The final chapter is focused on the legal relationships that collective management organisations enter with copyright law users. The first part of this chapter deals with the legal arrangements regarding the lawful use of legally protected rights, especially licence or royalty agreements. Further some special types of licence agreements and procedures of royalty tariffs negotiations are described. The second part of this chapter describes legal tools collective management organisations have for handling unlawful users of copyrighted rights. The final part of this chapter is dedicated to collective management and redistribution of income from collective management of copyright.

Key words

collective management of rights; collective management organisations; copyright